

## *REMARKS*

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 2-4 are now present in this application. Claim 4 is independent. Claim 4 has been amended. Reconsideration of this application, as amended, is respectfully requested.

### *I. Reasons for Entry of Amendments*

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that Applicant is responding to a new ground of rejection first set forth in the final Office Action.

### *II. Rejections under 35 U.S.C. § 103*

Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohan et al. in view of Suzuki et al. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Applicant respectfully submits that independent claim 4 recites a combination of elements in a photographic photosensitive material dedicated for digital data processing including an identification code for digital processing. The identification code expresses that said photographic photosensitive material either has only one of or none of a color correcting function and a sharpness enhancing function. The identification code is recorded optically or magnetically onto said photographic photosensitive material, or recorded onto a storage element provided at a cartridge accommodating said photographic photosensitive material. Applicant respectfully submits that this combination of elements as set forth in independent claim 4 is not disclosed or made obvious by the prior art of record, including Bohan et al. in view of Suzuki et al.

The Examiner states that Bohan et al. discloses a photographic material having a color correction function due to a masking coupler and/or a DIR coupler, and which is contained in a film spool cartridge. Bohan et al. however, fails to disclose the claimed identification code which expresses that said photographic photosensitive material either has only one of or none of a color correcting function and a sharpness enhancing function.

The Examiner states that Suzuki et al. disclose a film cartridge having a barcode which may display film information such as the type of variety of the film, the frame number and/or the total number of frames. The Examiner states that it would have been obvious to one of ordinary skill in the art to encase the

photosensitive material of Bohan et al. which has a color correction function in a cartridge containing a barcode such as that described by Suzuki et al. in which the film information contained by the barcode is processing instructions for that specific material.

Applicant respectfully submits that the teachings of a general identification code of Suzuki et al. directed to the provision of film information in a magnetic storage region of the film does not provide the necessary teaching of providing the specifically claimed identification code which expresses that the photographic photosensitive material either has only one of or none of a color correcting function and a sharpness enhancing function.

In Suzuki et al., the magnetic storage regions are utilized to store a variety of information, none of which is information regarding a color correcting function or a sharpness enhancing function. Although Suzuki et al. specifically enumerates that the film information includes the type or variety of the film (such as color film, monochrome film, positive film, and negative film) a frame number and the total number of frames, and information relating to photography such as photographic date and time, photographic item, designated print size, and data concerning the maker of the film, there is no mention of an identification code which expresses that the photographic photosensitive material either has only one of or none of a color correcting function and a sharpness enhancing function.

The Examiner states that it is the Examiner's position that since the bar code of Suzuki et al. may contain any information relating to photography, the "any information" may include processing instructions. Applicant respectfully submits that even assuming the Examiner's statement is correct, although the medium may be capable of containing the information, there is no specific teaching of the particularly claimed and specific information which expresses that the photographic photosensitive material either has only one of or none of a color correcting function and a sharpness enhancing function.

Suzuki et al.'s broad teaching of an identification code does not provide a teaching of including a specific identification code expressing that the photographic photosensitive material either has only one of or none of the color correcting function and the sharpness enhancing function. Further, the disclosure of Bohan et al. does not teach that any such criteria are important or necessary.

Accordingly, the combination of references set forth by the Examiner does not disclose or teach the claimed combination of elements set forth in independent claim 4.

Applicant respectfully submits that the combination of elements as set forth in independent claim 4 is not disclosed or made obvious by the prior art of record, including Bohan et al. in view of Suzuki et al., for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are

respectfully requested.

With regard to dependent claims 2 and 3, Applicant submits that claims 2 and 3 depend directly from independent claim 4 which is allowable for the reasons set forth above, and therefore claims 2 and 3 are allowable based on their dependence from claim 4. Reconsideration and allowance thereof are respectfully requested.

### *III. Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant

petitioned for an extension of three months to June 18, 2002 for the period in which to file a response to the final Office Action dated December 18, 2001 in the concurrently filed Notice of Appeal. The required fee of **\$920.00** has been paid in connection with the proper filing of this Notice of Appeal.

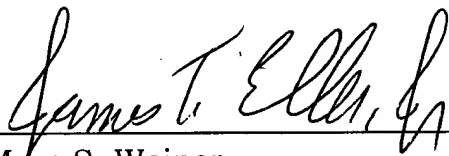
Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:

  
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Attachment: Version with Markings to Show Changes Made

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

*In the Claims:*

The claims have been amended as follows:

4. (Three Times Amended) A photographic photosensitive material dedicated for digital data processing which either has only one of or none of a color correcting function for carrying out color correction of an image which has been subjected to developing processing and a sharpness enhancing function for enhancing sharpness of the image which has been subjected to developing processing, wherein an identification code for digital processing is recorded optically or magnetically onto said photographic photosensitive material, or is recorded onto a storage element provided at a cartridge accommodating said photographic photosensitive material, said identification code expressing that said photographic photosensitive material either has only one of or none of said color correcting function and said sharpness enhancing function.